

ORDER

IT IS ORDERED that ECF No. 61 is GRANTED. The Clerk of Court is directed to issue a subpoena to Plaintiff. Plaintiff must then complete the subpoena and serve it on Brian Williams.

1 Michael Tencil

IT IS FURTHER ORDERED that ECF No. 62 is DENIED as moot.

2 P.O. Box 1989

3 Elgin, NV. 89301

IT IS FURTHER ORDERED that the hearing set for 3/11/2022 on these motions is VACATED.

4

IT IS SO ORDERED

DATED: 4:39 pm, February 17, 2022

5

Brenda Weksler

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

6

District of Nevada

7

8 Michael Tencil,

Case No: 2:18-cv-01594-RFB-BNW

9 Plaintiff,

10 v.

Request For subpoena of Documents

11 Dave Talar et al.,

12 Defendant,

13

14

15 Plaintiff, Michael Tencil, Pro Se Hereby

16 request that this honorable court issue a subpoena

17 of documents from Brian Williams, the Deputy Dir-

18 ector of Nevada Dept. of corrections. Most of the

19 Defendants in the instant case are former employees

20 of NDOC and do not possess all documents associat-

21 ed with this case. Plaintiff humbly request that

22 a subpoena be issued for Brian Williams because

23 he is in possession of all papers associated with OIC

24 #402605. (what the complaint is about).

25

Plaintiff ask that an order be issued

26 ordering Brian Williams to release/turn over all

27 documents associated with OIC #402605, including

28 but not limited to recordings from the Disc-

1 disciplinary hearing, Disciplinary Findings, Disciplinary
2 Forms I, II, III, all Emails related to oic*402605
3 From all HDOC Employees, and all Findings regard-
4 ing the investigation of oic*402605.

5 The information sought and request Falls
6 into the scope of General Admissibility of Relev-
7 ant evidence as defined by the Federal Rule of
8 Evidence, Rule 402.

9 For the reasons stated above, Plaintiffs ask
10 that this court issue a Subpoena of Documents
11 From Brian Williams, Deputy Director of HDOC.
12 (Also see Exhibit A)

13
14 concluded this 3rd day of January 2022.

15
16 Submitted, Michael Menzies
17 Pro. se

18
19 CERTIFICATE OF SERVICE

20
21 I, Michael Menzies, hereby certify I E. Filed
22 the foregoing document(s) via Ely State Prison
23 Law Library to the United States District Court.

24
25 Michael Menzies
26 Pro. se

27 1. 3. 22
28

Affidavit of: Michael McNeil

1 State of Nevada)
2 : ss
3 County of White Pine.
4

5 I, Michael McNeil do hereby swear, and
6 depose, under penalty of perjury, Pursuant to
7 NRS 208.105. That the foregoing statements
8 are true and correct as follows.
9

10 1.) That on Wednesday December 29th, 20 I
11 had a meet and confer with DAs Alexander J.
12 Smith at 1:30 pm.

13 2.) That we discussed the objections that the
14 four defendants made to all the Requests for
15 the production of documents.

16 3.) That I was told the defendants do not
17 have access to the documents I requested
18 and should try other methods, of discovery.

19 4.) That we both agreed to a 60 day extension
20 to discovery.
21
22
23

24 Dated the 30th of January 2022.
25
26

Michael McNeil

27
28

Copy

**STATE OF NEVADA
NEVADA DEPARTMENT OF CORRECTIONS
ELY STATE PRISON
OFFICE OF THE WARDEN**

DATE: December 28, 2021

TO: SHIFT SERGEANT

FROM: _____
Tasheena Cooke, Acting Associate Warden

SUBJECT: **TELEPHONIC CONFERENCE – Attorney call**
REF: 2:18-cv-01594

The following inmate has a **Telephonic Conference Call** scheduled for **Wednesday, December 29, 2021 at 1:30 PM** with **DAG Alex Smith** regarding the above referenced court case.

Custody Staff Instructions: The inmate will be at the appointment **30 minutes prior to the scheduled time in the Visiting Holding Room "D"** with any legal documents of his choosing. Upon request, a property cart will be provided by the Unit Control Room Officer and/or the escorting officer(s).

<u>NAME</u>	<u>NUMBER</u>	<u>HOUSING</u>	<u>CUSTODY</u>
McNeil, Michael	65311	6B 31	Close

Acknowledgement of Appointment

<u>Michael McNeil</u>	<u>12/28/21</u>	<u>11:00 am</u>
Inmate Signature	Date	Time

☒ I Will Attend ☐ I Decline To Attend ☐ Property Cart Requested

Witness

Date

Time

TC/sbc

Email: Warden	Control	AWO	Visiting
Caseworker	Shift Sgt	CERT Sgt.	Shift LT